

# City Council Agenda

Council President  
Blong Xiong

Councilmembers

Oliver L. Baines III  
Lee Brand  
Steve Brandau – Acting President

Paul Caprioglio  
Clinton J. Olivier  
Sal Quintero

City Manager  
Mark Scott

City Clerk  
Yvonne Spence, CMC

Interim City Attorney  
Francine M. Kanne

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

**January 17, 2013**

**1:30 P.M. ROLL CALL**

Invocation by Jeff Loven of the Bridge Evangelical Free Church

Pledge of Allegiance to the Flag

**Ceremonial Presentations:**

The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of January 10, 2013

**Action Taken:**

Councilmember Reports and Comments

**Action Taken:**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Approve the appointment of Heather Flores to the Disability Advisory Commission; the reappointments of Councilmember Clint Olivier, Rodney Ashley and Susan Ryan to the Fresno-Madera Area Agency on Aging; the reappointments of Mee Cha, Richard Keyes, Aric Olson, Tom Richards and Lydia Zabrycki to the Fresno Regional Workforce Investment Board; the reappointment of Philip Decker to the Bicycle and Pedestrian Advisory Committee – Mayor's Office; and the reappointment of Nicholas Don Paladino to the Bicycle and Pedestrian Advisory Committee – Councilmember Brand

**Action Taken:**

- B. Actions pertaining to a lease with Go Fast Experimental Aircraft at Fresno Chandler Executive Airport – Airports Department

1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301 (a) (d)/Class 1 (Existing Facilities) to authorize a lease with Go Fast Experimental Aircraft at Fresno Chandler Executive Airport

**Action Taken:**

2. Authorize the Director of Aviation to execute a one year lease with a two-year option between the City and Go Fast Experimental Aircraft at an annual rate of \$9,600 for a hangar facility located at Fresno Chandler Executive Airport

**Action Taken:**

- C. Approval of the Fresno Council of Governments entering into a Joint Powers Authority that will enable Regional Governance of the San Joaquin Intercity Rail Service (AMTRAK) – City Manager's Office

**Action Taken:**

- D. Authorize the Chief of Police to enter into this first amendment to an agreement dated July 1, 2012, with Central Unified School District to provide one (1) additional School Resource Officer effective January 1, 2013 through June 30, 2013 at 100% of the actual cost of the officer, to include administrative fees and the operation and maintenance costs of one (1) patrol vehicle for a total of \$59,465.50 – Police Department

**Action Taken:**

1. **CONSENT CALENDAR CONTINUED**

- E. \* **RESOLUTION** - 33rd amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating an additional \$60,000 for Police Department's School Resource Officer (SRO) program. **(Requires 5 affirmative votes)** – Police Dept.  
**Action Taken:**
- F. **RESOLUTION** - Authorizing the annual filing of applications for State Transportation Development Act (TDA) funding, including Local Transportation Fund (LTF) and State Transit Assistance (STA) Funds by the Director of Transportation or his designee – Transportation Dept.  
**Action Taken:**
- G. \* **RESOLUTION** - 34th amendment to the Annual Appropriation Resolution (AAR) No. 201-125 appropriating \$25,000 from the 99 Cents Only stores for the Parks, After School, Recreation and Community Services Department's Healthy Lifestyle Fitness Program **(Requires 5 affirmative votes)** - PARCS  
**Action Taken:**
- H. Award a requirements contract in the amount of \$162,917.63 to L.N. Curtis & Sons of Oakland CA for structural firefighting protective garments (Turnouts) - Fire Department  
**Action Taken:**
- I. Approve agreement with Ewers Engineering in the amount of \$62,600 with a contingency amount of \$10,000 for the design of plans and general construction contract documents for the Anooshvan Park and Alhambra water main replacement, and authorize the Public Works Director or his designee to sign the agreement on the City's behalf **(Property located in District 5 & Fresno County)** – Public Works Department  
**Action Taken:**
- J. Approve interconnection agreement with PG&E for emergency generation facilities at the T-3 Water Storage and Package Surface Water Treatment Facility and authorize the Director of Public Utilities or his designee to sign on behalf of the City – Department of Public Utilities  
**Action Taken:**

**CONTESTED CONSENT CALENDAR**

2. **GENERAL ADMINISTRATION**

- A. Authorize the Interim Director of Aviation to execute a military construction cooperative agreement for the construction of an arm/de-arm pad at Fresno Yosemite International Airport in the amount of \$1,065,466 – Airports Department  
**Action Taken:**
- B. Authorize the Interim Director of Aviation to execute a military construction cooperative agreement for the construction of a BAK-12/14 on Runway 11L at Fresno Yosemite International Airport in the amount of \$2,874,114 – Airports Department  
**Action Taken:**
- C. Consider and adopt a Categorical Exemption per CEQA Guidelines Section 15301 (existing facilities) for the re-enactment and First Amendment to Agreement for provision of water service ("First Amendment"), and approve the First Amendment with Pinedale County Water District for provision of water service to the District by the City of Fresno – Department of Public Utilities  
**Action Taken:**
- D. **ITEM REMOVED FROM THE AGENDA**

2. **GENERAL ADMINISTRATION CONTINUED**

E. **Actions pertaining to claiming funds for uncashed checks – Finance Department**

1. **RESOLUTION** - For fiscal year 2012-2013 claiming funds for uncashed checks dating from January 02, 2008 to December 31, 2008, in the amount of \$15,344.67

**Action Taken:**

2. \* **RESOLUTION** - Approving policy and procedures for claiming unclaimed money in the City of Fresno Treasury for the general fund (revised and renamed 2002 policy and procedures for stale-dated checks (unclaimed money)

**Action Taken:**

3. **CITY COUNCIL**

A. **Annual review and appointment of Councilmembers to various Boards and Committees - Council President Xiong**

**Action Taken:**

B. **Council to discuss and choose the process that will be used in selection of the new Attorney for the City of Fresno - Council President Xiong**

**Action Taken:**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

**1:45 P.M. SCHEDULED COMMUNICATION –**

1. **Appearance by Jeff Roberts to discuss the delays in processing the Westlake Development Project**
2. **Appearance by Warren Zimmerly to discuss public safety in the City of Fresno**

**2:00 P.M. Presentation of report on transit rates and services by the City of Fresno Transit Rates and Services Committee – Council President Xiong**

**Action Taken:**

**2:15 P.M. CLOSED SESSION**

A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** City of Fresno v. FMC Corporation (City of Fresno Well No. 36) San Francisco County Court Case Nos. 914400; 948379
2. **Case Name:** City of Fresno v. County of Fresno and Real Party in Interest, Friant Ranch L.P.; Fresno County Superior Court Case No.: 11CECG00706 (Consolidated with Fresno County Superior Court Case Nos. 11CECG00709 and 11CECG00726)
3. **Case Name:** Serpil Assaf v. City of Fresno and Rick Smith, Fresno County Superior Court Case No. 12CECG00132

**Action Taken:**

B. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** City of Fresno v. Xiong Vang

**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**3:00 P.M.**

**HEARING** to consider Plan Amendment Application No. A-12-03, Rezone Application No. R-12-004, and related finding for Environmental Assessment No. A-12-03/R-12-004, initiated by the Director of the Development and Resource Management Department for Phases 2A, 2B, 3, 4 and 5 of the El Paseo Master Plan Area located generally east of State Route 99, south of the alignment of W. Sierra Avenue, north of the W. Bullard Avenue alignment, and west of the N. Hayes Avenue alignment (**Property located in District 2**) - Development and Resource Management Department

**Action Taken:**

- a. Consider Environmental Assessment No. A-12-03/R-12-004 and adopt a Finding of Conformity with Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan, for purposes of the proposed project

**Action Taken:**

- b. **RESOLUTION** – Amending the 2025 Fresno General Plan and Bullard Community Plan land use designations for the Phases 2A, 2B, 3, 4 and 5 of the El Paseo Master Plan Area as outlined in Table 1 of the staff report, and in the attached exhibit

**Action Taken:**

- c. **BILL** - Amending the Official Zone Map to rezone land in Phases 2A, 2B, 3, and 4 of the El Paseo Master Plan area as outlined in Table 2 of the staff report, and in the exhibit attached to the ordinance

**Action Taken:**

**3:15 P.M.**

**CONTINUED HEARING** to consider adoption of resolutions related to the designation the YMCA Administration Building, the 1937 handball court and the gymnasium located at 1408 N. Street, the former Voice Brothers Auto Repair Building located at 2424 Stanislaus Street (**Property located in District 3**) – Development and Resource Management Department

**Action Taken:**

- a. \* **RESOLUTION** – To designate of the YMCA administration building, gymnasium and the 1937 handball court located at 1408 “N” Street, Fresno California to the Local Register of Historic Resources

**Action Taken:**

- b. \* **RESOLUTION** – To designate of the former Voice Brothers Auto Repair building located at 2424 Stanislaus Street, Fresno California to the Local Register of Historic Resources

**Action Taken:**

**3:30 P.M.**

**JOINT MEETING OF THE CITY OF FRESNO AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION**

- A. Election of Agency Chair and Vice Chair of the City of Fresno Successor Agency to the Redevelopment Agency

**Action Taken:**

- B. **RESOLUTION** – Approving a contract between the Board of Administration of the California Public Employees’ Retirement System and the Successor Agency to the Redevelopment Agency of the City of Fresno

**Action Taken:**

1. **RESOLUTION** - Authorizing the Employees’ contributions to Calpers to be tax-deferred deductions (**Successor Agency action**)

**Action Taken:**

## SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:30 P.M.

### JOINT MEETING OF THE CITY OF FRESNO AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION CONTINUED

C. **Successor Agency Board consider approving:**

1. Enter into a professional services agreement with URS Corporation for environmental site assessment work; and  
**Action Taken:**
2. Authorize Successor Agency Executive Director to use grant funding as the funding source for the agreement (EPA Grant BF-00T71101) **(Successor Agency action)**  
**Action Taken:**

### ADJOURN

5:00 P.M.

**WORKSHOP** regarding the proposed Fresno River West Project and to incorporate these recommendations as part of the City Fresno's General Plan Update – PARCS  
*(Workshop only. Public comment will be held at a regularly scheduled meeting in February)*

**PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING**

**UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

## SCHEDULED COUNCIL HEARINGS AND MATTERS

Jan.	24 –	10:00 A.M.	<b>HEARING</b> re: Notice of Intent to adopt resolution of necessity to acquire certain real property or interest in real property by eminent domain - Location: North of SR 180 - Owner: Innovative Properties & Development, LLC
Jan.	24 –	10:15 A.M.	<b>HEARING</b> to adopt a resolution of public use and necessity – Fresno Auto Dealership
Jan.	31 -		<b>NO MEETING</b>
Feb.	7 -	8:30 A.M.	Presentation of the P.R.I.D.E. Team Certificates – <i>(Reception immediately following – 2<sup>nd</sup> floor foyer)</i>
Feb.	7 -	10:00 A.M.	<b>HEARING</b> re: CAFR – Finance Department
Feb.	14 -	8:30 A.M.	<b>MEETING</b>
Feb.	21 -		<b>NO MEETING – PRESIDENTS DAY</b>
Feb.	28 -	10:00 A.M.	<b>HEARING</b> to determine whether public necessity, health, safety or welfare requires the formation of Underground Utility District No. FRE-92
Mar.	7 -	8:30 A.M.	<b>MEETING</b>
Mar.	14 -		<b>NO MEETING - RECESS</b>
Mar-	21-	1:30 P.M.	<b>HEARING</b> to adopt resolutions and ordinance to annex territory and levy a special tax Regarding City of Fresno Community Facilities District No. 11, Annexation No. 48 (Final Tract Map No. 6003 and 6004) (Property located in District 6) (Southeast corner of E. Copper and N. Maples Avenues)